

REMARKS

The Patent and Trademark Office action dated March 7, 2011 has been carefully considered. Applicants have amended claim 11, to avoid the Examiner's objection. It is to be understood that while Applicants consider the terminology "capable of" to be a claim limitation, Applicants, without prejudice, voluntarily amend the claim in compliance with the Examiner's objections. Applicants reserve the option of further defining the state, i.e. that the capability of connecting to the Internet has an off state and an on state, and that the user has control to activate the on state.

Applicants acknowledge the substantial analysis provided by the Examiner in the 20 page Office Action of March 7, 2011. However, Applicants consider that an appropriate detailed response is better reserved for an appeal or refiling of the application. Nevertheless, without accepting the Examiner's characterization of the prior art, Applicants must contest the Examiner's characterization of Hamalainen, that is, "...Hamalainen discloses: providing an applet in the USIM and programmed USIM USIM (Hamalainen, Para.[0006] and Para.[0008] discloses programming a SIM/USIM using Java applets on SIM/USIM card such as banking application and other security applications)

Hamalainen, newly cited by the Examiner simply does not disclose financial account management in the SIM/USIM. At most, it speculates that an applet for bank account monitoring may somehow be executed by or through the SIM/USIM. (See, Hamalainen, para. [0006].) It suggests that. ..."Java applets – such as games, banking applications, and other security applications – can e.g. work through a SIM/USIM API interface," Hamalainen, para. [0008].

Hamalainen teaches a secure way of downloading applications from a server through a trusted operator and suggests that once such applet may be bank account monitoring. The

Examiner is incorrectly attributing features to the invention of Hamalainen that are simply not there. Additionally, the Examiner is failing to appreciate the level of skill of a person of ordinary, (not extraordinary) skill in the art as it was emerging between 2003 and 2004.

Again when confronted with an open Internet in its broadest sense, the most secure control point is at the SIM or USIM. Applicant is not suggesting that Hamalainen wasn't aware of this fact or didn't use it to his advantage in devising a procedure for secure loading of apps on a mobile device. But, the unique use of the SIM or USIM itself for real-time account management as claimed was not suggested at the time of applicants' invention a result of the limited memory available (See, Para 0107). Furthermore, only a few people in the world would know how to build an account management system in the SIM/USIM, even if it dawned on them to do it. What applicants have invented is not one of those bank account monitoring applications for a mobile phone that you typically see at the device manufacturers' app store, but the bank itself, in the SIM/USIM.

It is respectfully requested that the Examiner reexamine the application with a reconsideration of what Hamalainen actually teaches, suggests or discloses in order that the application can be allowed or at least be "at issue." In any event, the Amendment is respectfully requested to be entered as complying with the Examiner's requirements of form or to place the claims in better form for appeal.

Dated: May, 6, 2011

A handwritten signature in black ink, appearing to read "Richard Esty Peterson", with a stylized flourish at the end.

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